

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HAL BRIAN STICKNEY,

Plaintiff,

v.

COUNTY OF OAKLAND, *et al.*,

Defendants.

Case No. 10-10487
Hon. Gerald E. Rosen
Magistrate Judge Mark A. Randon

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on June 27, 2011

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

By order dated January 27, 2011, this Court adopted a Report and Recommendation (“R & R”) in which Magistrate Judge Mark A. Randon recommended that the Court grant a motion to dismiss or, alternatively, for summary judgment brought by Defendants City of Troy, Officer David Nordstrom, Captain Keith Frye, and Sergeant Barry Whiteside (collectively, the “Troy Defendants”). The Magistrate Judge has now issued a May 12, 2011 R & R recommending that the Court also grant motions filed by the remaining served Defendants in this action — consisting of (i) Defendants Oakland County, David Gorcyca, Derek Meinecke, Michael Bouchard, Supervisor Spiker, and Randal Praski (collectively, the “Oakland County Defendants”), and (ii) Dawn Himes,

Shirley Ann Davis, and Jimmy Richardson (collectively, the “Individual Defendants”) — in which these Defendants joined in the motion brought by the Troy Defendants and advanced additional grounds why the claims against them should be dismissed or summary judgment awarded in their favor. In addition, the Magistrate Judge has recommended that the claims asserted against a final Defendant, Michael Scott Himes, be dismissed for lack of service of the complaint upon this individual within the 120-day period for doing so.

Plaintiff did not respond to the motions brought by the Oakland County Defendants and the Individual Defendants, nor has he filed objections to the Magistrate Judge’s most recent R & R. Indeed, as the Magistrate Judge aptly observes, Plaintiff has utterly failed to “demonstrate[] any interest in pursuing this lawsuit — beyond the filing of his complaint.” (5/12/2011 R & R at 2.) Thus, upon reviewing the May 12, 2011 R & R, the underlying motions filed by the Oakland County Defendants and the Individual Defendants, and the record as a whole, the Court readily and fully concurs in the analysis of the Magistrate Judge, and adopts the R & R in its entirety.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's May 12, 2011 Report and Recommendation is ADOPTED as the opinion of this Court.

IT IS FURTHER ORDERED that, for the reasons stated in the R & R, the Oakland County Defendants' November 30, 2010 motion joining in and concurring with the Troy Defendants' motion to dismiss or for summary judgment (docket #35) is GRANTED, and that the Individual Defendants' December 1, 2010 motion joining in and concurring with the Troy Defendants' motion to dismiss or for summary judgment (docket #36) also is GRANTED. Finally, IT IS FURTHER ORDERED that, for the reasons stated in the R & R, the claims against Defendant Michael Scott Himes are DISMISSED under Fed. R. Civ. P. 4(m) for lack of service of the complaint.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: June 27, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 27, 2011, by electronic mail and upon Hal Brian Stickney, 4830 Marcella, Shelby Township, MI 48317 by ordinary mail.

s/Ruth A. Gunther
Case Manager